

GREAT BRITAIN And BELGIUM

*AGREEMENT between the United Kingdom and Belgium regarding Water Rights on the Boundary between Tanganyika and Ruanda-Urundi-London, November 22, 1934.*¹

[Ratifications exchanged in London, May 10, 1938.]

THE Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belgium, desiring to define the water rights in respect of the use of the water of those rivers and streams which form a portion of that part of the boundary between the Tanganyika Territory and Ruanda-Urundi as defined in the protocol concluded at Kigoma on the 5th August, 1924, and in the treaty modifying the boundary between the Tanganyika Territory and Ruanda-Urundi signed at London on the 22nd November, 1934, or of any river or stream which flows from the Tanganyika Territory into Ruanda-Urundi and *vice versa*;

Have agreed as follows:-

- ART. 1. Water diverted from a part of a river or stream wholly within the Tanganyika Territory or Ruanda-Urundi shall be returned without substantial reduction to its natural bed at some point before such river or stream flows into the other territory, or at some point before such river or stream forms the common boundary between the two territories.
2. No operations of a mining or industrial nature shall be permitted by either of the contracting Governments in Tanganyika or Ruanda-Urundi respectively which may in any way lessen or otherwise interfere with existing navigable waters in any other river or stream, part of which forms the common boundary, or with waters in any such river or stream which may become navigable after the completion of this agreement.
3. No operations of a mining or industrial nature shall be permitted by either of the contracting Governments in Tanganyika or Ruanda-Urundi respectively which may pollute or cause the deposit of any poisonous, noxious or polluting substance in the waters of any river or stream forming part of the boundary between the Tanganyika Territory and Ruanda-Urundi or any tributary river or stream thereof, or in any river or stream flowing from one territory into the other.
4. Each contracting Government shall have the right to divert, for operations of a mining or industrial nature, at any point along any river or stream where such river or stream forms a common boundary between the two territories, up to a maximum of half the volume of water flowing at such point measured during the season of low water, provided that such water after use shall without substantial reduction be returned to its natural bed.

¹ Treaty Series, No.42 (1938) (Cmd.5778). Signed also in the French Language

5. In the event of the exercise of the right of diversion under article 4, the method for the determination of the flow of water in any river or stream on the aforesaid boundary shall be by sounding and by the use of the current meter, and the point of determination in the said waters shall be the nearest point up-stream to the proposed intake where conditions permit of determination by the aforesaid method.
6. In the event of either contracting Government desiring to utilise the waters of any river or stream on the aforesaid boundary or to permit any person to utilise such water for irrigation purposes, such Contracting Government shall give to the other contracting Government notice of such desire 6 months before commencing operations for the utilisation of such waters, in order to permit of the consideration of any objections which the other contracting Government may wish to raise.
7. All grants of water rights on the aforesaid boundary by either contracting Government shall be conditional on the grantees installing at or near the point of intake a standard measurement weir or gauge which shall be open to inspection by officials of both contracting Governments appointed for the purpose of inspecting such weirs and gauges.
8. The officials of either contracting Government and any of the inhabitants of Tanganyika or Ruanda-Urundi shall be permitted to have access to any point on any river or stream forming the common boundary for any domestic or industrial purpose.
9. Any of the inhabitants of the Tanganyika Territory or of Ruanda-Urundi shall be permitted to navigate any river or stream forming the common boundary and take therefrom fish and aquatic plants and water for domestic purposes and for any purposes conforming with their customary rights.
10. In the event of any dispute arising between the contracting Governments in respect of any matter covered by this agreement, the contracting Governments shall refer such matter to such arbitrator or court of arbitration as may be mutually agreed upon.

The present agreement shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force on the date of the exchange of ratifications.